

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

SAMUEL L. KIMBRIL,

Plaintiff,

Case No.: 8:22-cv-00401

v.

NOTICE OF REMOVAL

SOURCE MEDIA, LLC and LYNNLEY
BROWNING,

Defendants.

Defendants, Source Media, LLC (“Source Media”) and Lynnley Browning (“Browning”) (collectively “Defendants”), respectfully notify this Court of their removal of the above-captioned case from the District Court of Sarpy County, Nebraska, Case No. CI 22-1762, to the United States District Court for the District of Nebraska. In support of this notice, Defendants state and allege as follows:

1. This action is being removed to federal court based upon diversity of citizenship under 28 U.S.C. §§ 1331 and 1441.

2. Plaintiff filed his complaint in the above-entitled civil action in the District Court of Sarpy County, Nebraska, on October 13, 2022, and served the same on Defendant Source Media on October 18, 2022 via certified mail, and served the same on Defendant Browning on October 19, 2022 via certified mail (Ex. A, State Court Filings). Therefore, Defendants have timely removed this matter within thirty (30) days.

3. The action is wholly civil in nature, and the United States District Court for the District of Nebraska has original jurisdiction under 28 U.S.C. § 1332. The action may be removed by Defendants pursuant to 28 U.S.C. §§ 1441.

4. This Court has diversity of citizenship jurisdiction over this matter because the controversy is between citizens of different states and the amount in controversy exceeds \$75,000.00 exclusive of interest and costs. Plaintiff is a citizen of Nebraska, while Defendant Source Media is a Delaware limited liability company, and Defendant Browning is a citizen of Illinois, as more fully described below.

5. Specifically, Plaintiff alleges that “Defendant SOURCE MEDIA, LLC is a Delaware limited liability company.” (Exhibit A, Complaint ¶2). Indeed, Defendant Source Media is a Delaware limited liability company with its principal place of business in Wilmington, Delaware. (Ex. 1, DE Secretary of State webpage, authenticated at Ex. C, Declaration of Leigh Campbell Joyce, ¶3). Accordingly, Defendant Source Media is a citizen of Delaware.

6. Defendant Browning is a citizen of Illinois. Therefore, Defendant Browning is a citizen of a state other than Nebraska. (Exhibit A, Praecipe; Exhibit C, Joyce Decl., ¶4).

7. The matter in controversy exceeds the sum or value of \$75,000, exclusive of interest and costs. As relevant here, Plaintiff’s Complaint states that “Plaintiff prays for general damages and damages to his reputation against the Defendant in the amount of \$750,000.00 for defamation, slander, slander per se, libel, libel per se, invasion of privacy and false light claims as well as special damages in an amount of \$7,750.00 per month beginning November 1, 2021 and continuing thereafter”. (Ex. A, ¶Wherefore Clause).

8. Defendants file this Notice of Removal pursuant to 28 U.S.C. § 1446 within thirty (30) days of service of the Complaint.

9. Defendants expressly reserve all defenses to Plaintiff’s claims, including, but not limited to, all defenses based in law, equity, statute, constitution, jurisdiction, or immunity,

any other defense or avoidance, and does not waive any defense by this removal.

10. Attached as Exhibit “A” and incorporated by reference is a true and correct copy of the pleadings served upon Defendants and removed by this notice.

11. Attached as Exhibit “B” is a true and correct copy of the state court Notice of Filing of Notice of Removal which has been served with this document on all parties and filed with the District Court of Sarpy County, Nebraska.

12. Attached as Exhibit “C” is a true and correct copy of the Declaration of defense counsel, Leigh Campbell Joyce. Exhibit “1” therein is a copy of the Delaware Secretary of State’s webpage identifying the citizenship of Defendant Source Media.

13. Defendants request trial of this matter in Omaha, Nebraska.

WHEREFORE, Defendants notify the Court of the removal of this action from the District Court of Sarpy County, Nebraska, to the United States District Court for the District of Nebraska.

Dated this 17th day of November, 2022.

SOURCE MEDIA, LLC and LYNNLEY
BROWNING, Defendants,

By: /s/Leigh Campbell Joyce
Jill Robb Ackerman (NE# 17623)
Lindsay K. Lundholm (NE# 22224)
Leigh Campbell Joyce (NE# 26218)
of BAIRD HOLM LLP
1700 Farnam Street
Suite 1500
Omaha, NE 68102-2068
Phone: 402-344-0500
Email: jrackerman@bairdholm.com
Email: llundholm@bairdholm.com
Email: lcampbell@bairdholm.com

CERTIFICATE OF SERVICE

I hereby certify that on this 17th day of November, 2022, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which sent notification of such filing to the following:

Michael F. Polk
Watke Polk & Sena, LLP
2712 S 87th Ave.
Omaha, NE 68124
polk@wpslawfirm.com

And I hereby do certify that I have mailed by United States Postal Service the document to the following non CM/ECF participants:

N/A

/s/Leigh Campbell Joyce